

REMARKS**Status of the Claims***Pending Claims*

Claims 1-7, 9-12, 16, 28-44, 46-49, 51-53 and 55 are pending. Claims 4, 5, 6 and 53 are canceled in the instant amendment, without prejudice or disclaimer. Claims 34, 35, and 38 are withdrawn from further consideration by the Examiner, as being drawn to a non-elected invention.

Claim 44 is canceled, without prejudice or disclaimer.

Therefore, claims 1-3, 7, 9-12, 16, 28-33, 36-37, 39-43, 46-49, 51-52 and 55 are pending and under consideration.

Outstanding Rejections

Claims 1-7, 9-11, 28-33, 36, 37, 39-43, 46-49, 51-53 and 55 are rejected under 35 U.S.C. §112, first paragraph.

Applicants respectfully traverse all outstanding rejections of the claims.

Support of the Claim Amendments

The specification sets forth an extensive description of the invention in the amended claims. Accordingly, Applicants respectfully submit that no new matter is introduced by the instant amendment.

Advisory Action of April 7, 2009

Applicants thank the Examiner for the helpful comments in the Advisory Action of April 7, 2009. In the AA, the Office noted that the amendments from Applicants' last response of April 3, 2009 were not entered because the rejoinder of Claim 44 would raise a new rejection. Claim 44 has been canceled in the present amendment. Applicants

respectfully request the Examiner to reconsider the amendments and arguments presented in the response to the final OA, in light of the RCE submitted herewith.

Allowable Claims

Applicants thank the Examiner for noting on the Office Action Summary sheet that claims 12 and 16 are allowed. Applicants further thank the Examiner for noting in the AA that claim 1 is allowable, as amended.

Claim Rejections – 35 USC § 112, first paragraph

Claims 1-7, 9-11, 28-33, 36, 37, 39-43, 46-49, 51-53 and 55 are rejected under 35 U.S.C. §112, first paragraph, as not enabling any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, as set forth in detail on pages 3 to 6 of the OA.

The instant amendment addresses this issue. To address the Examiner's concerns and to expedite prosecution of the instant application, the claims have been amended and are now directed to those nucleic acids with at least 95% identity to SEQ ID NO:1 that encode polypeptides having polymerase activity, and sequences that are fully complementary to the full length thereof.

Therefore, Applicants respectfully submit that the rejection under 35 U.S.C. § 112 can be properly withdrawn.

CONCLUSION

In view of the foregoing amendment and remarks, Applicants respectfully submit that the Examiner can properly withdraw the rejection of pending claims under 35 U.S.C. §112, first paragraph. In view of the above, claims in this application after entry of the instant amendment are believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections of the claims and to pass this application to issue.

After the elected product claims have been found to be allowable, all withdrawn process (methods) claims which depend from or otherwise include all of the limitations of the allowed product claims should be rejoined.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 50-0661 referencing docket no. D1350-6US. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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